

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-394-WEB
(3:08-cr-93-WEB-2)

DAVID A. HAGEN,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

)

ORDER

THIS MATTER is before the Court on Petitioner's motion to amend his Section 2255 petition. (Doc. No. 14).

After filing his initial § 2255 motion, Petitioner filed a second motion to amend to include an additional claim for relief, namely, that the trial court lacked jurisdiction to render judgment following his conviction on Count 2 of his indictment. The amendment of a § 2255 motion is governed by Rule 15 of the Federal Rules of Civil Procedure. See United States v. Pittman, 209 F.3d 314, 317 (4th Cir. 2000). The Supreme Court of the United States denied Petitioner's petition for a writ of certiorari on October 1, 2012, and his initial § 2255 motion was timely, having been filed well within the one-year limitation under § 2255(f)(1). Petitioner's proposed amendment, which was delivered to prison authorities on September 27, 2013, is thus filed within one year of the date his judgment became final and the Government has until November 15, 2013 in order to file its response to Petitioner's Section 2255 motion, as amended by Order entered on October 7, 2013. (Doc. No. 15).

Based on the foregoing, the Court finds that Petitioner's motion to amend his Section 2255 motion should be allowed and the Government will be provided with additional time to respond to the amended motion.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's motion to amend his § 2255 petition is **ALLOWED**. (Doc. No. 14).
2. The Government shall have up to and including December 13, 2013 in order to file its response to Petitioner's § 2255 petition, as amended by this Order.

This 7 November 2013.



W. Earl Britt
Senior U.S. District Judge